

105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25095-2020

Date of Decision: 31.08.2020

Jorawar Singh @ Jora

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Satpreet Grewal Kapil, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.0058 dated 27.04.2018 registered under Sections 307 and 379-B IPC, 1860 and Sections 25 and 27 Arms Act, 1959 at Police Station Sadar Hoshiarpur, District Hoshiarpur, wherein later on Section 379-B IPC and Section 27 Arms Act, 1959 were deleted and offence under Section 397 IPC added through DDR No.35 dated 12.09.2018. The petitioner is in custody since his arrest on 17.08.2018.

The above FIR was registered on the statement given by Dinesh Walia, which reads as under:-

“Statement of Dinesh Walia s/o Brij Mohan Walia, r/o Vijay Nagar, aged 25 years, mobile No.86994-61616. Stated that I am resident of above mentioned address and am owner of petrol pump at village Kharkan Bajwa. On dated 26.04.2018. Sir, as per routine, I finished the work in my office and after putting the cash in my bag, after counting the cash which was Rs.46,000/-, I exited from the office gate and was going towards my car XUV-PB-07-AS-1616, when from the

Dhaba side on the main road, at about 9-15 p.m., two young boys who were having their faces covered and who were armed with pistol, came to me and raised lalkara to throw my money bag and also fired a shot towards me. Thereupon, I fired gunshot, in my defence, after taking shelter behind the car, then they again rushed towards me and I again fired shot and retreated towards the generator, they again fired at me and I also fired at them to save myself, then I threw the bag, which was containing Rs.46,000/-, ATM card, some money in cash, PAN Card and Aadhaar Card, as I was not left with any cartridges, the accused took away the same and fled away from the spot while raising lalkaras. Thereafter, I gathered some courage and myself drove my car and came to Shivam Hospital for treatment. That the abovesaid accused persons have caused injuries to me by attacking me with intention to kill and have snatched my bag, purse, money, ATM, PAN Card and Aadhaar Card. Kindly take appropriate legal action against them.”

Learned counsel for the petitioner contends that the previous bail application filed by the petitioner was declined on 16.07.2019 (Annexure P-3) and it is almost one year, but the trial has not progressed. It is contended that the co-accused of the petitioner, namely, Jashanpreet Singh and Shamsher Singh have already been released on regular bail. According to her, the alleged gunshot was not fired by the petitioner and, therefore, in view of the slow pace of trial, the petitioner deserves the concession of regular bail.

On the other hand, learned State counsel assisted by SI Dharampal Singh, has opposed the prayer, but does not dispute this fact that after framing of charges on 11.07.2019, no witness has been examined so far out of the total 20 prosecution witnesses.

After hearing learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed

The petitioner after his arrest on 17.08.2018 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Hoshiarpur.

The petition is allowed.

31.08.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No